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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

FIRST CONSULTATION ON THE ELABORATION OF A POSSIBLE DRAFT DECLARATION ON HUMAN RIGHTS AND EXTREME POVERTY

Report of the Workshop on Human Rights and Extreme Poverty

(Geneva, 30-31 August 1999)

Introduction

1. At its fifty-fourth and fifty-fifth sessions, the Commission on Human Rights adopted resolutions 1998/25 and 1999/26, respectively, relating to the mandate of the independent expert on human rights and extreme poverty.

2. In paragraph 6 (f) of resolution 1998/25, the Commission requested the independent expert to make suggestions to the Commission concerning a possible draft declaration on human rights and extreme poverty. In paragraph 7 of resolution 1999/26 the Commission requested the High Commissioner for Human Rights to consider holding a workshop with the independent expert and the experts from the Sub-Commission on the Promotion and Protection of Human Rights in 1999 with a view to consultations also involving the relevant functional commissions of the Economic and Social Council on the main elements of a possible draft declaration on human rights and extreme poverty.

3. In accordance with this resolution an invitation to attend a Workshop on Human Rights and Extreme Poverty was extended to the experts of the Sub-Commission, five functional commissions of the Economic and Social Council (Commission on Population and Development, Commission on the Status of Women, Commission on Sustainable Development, Commission for Social Development, Commission on Science and Technology) and relevant specialized agencies of the United Nations.

4. The list of participants is contained in the annex to the present report.

5. Mr. José Bengoa, expert of the Sub-Commission on the Promotion and Protection of Human Rights, was elected Chairman-Rapporteur by acclamation.

6. At the first meeting, on 30 August 1999, the Workshop adopted the agenda as follows:

1. Opening of the Workshop by the representative of the High Commissioner for Human Rights.

2. Election of Chairman-Rapporteur.

3. Adoption of the agenda.

4. Extreme poverty: a denial of all human rights.

5. Objectives and usefulness of a declaration on human rights and extreme poverty.

6. Elements for inclusion in a possible draft declaration.

7. Possible sources, including:

(a) Relevant provisions of international instruments;

(b) General comments by human rights treaty-monitoring committees;

(c) Commitments and recommendations by international conferences;

(d) Relevant documents of the Economic and Social Council, the Administrative Committee on Coordination and the United Nations Development Group;

(e) Studies by the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights, on inter alia, the right to development, the right to food, the right to adequate housing, the right to education, the right to health and the effect on human rights of structural adjustment policies;

(f) Report of the seminar on Extreme Poverty and the Denial of Human Rights, held in New York in 1994 (E/CN.4/1995/101);

(g) Declaration on Social Progress and Development, 1969.

8. Adoption of conclusions and recommendations.

I. GENERAL DISCUSSION ON EXTREME POVERTY: A DENIAL OF ALL HUMAN RIGHTS

7. Following a brief introduction of the subject by the Chairman-Rapporteur and the independent expert, Ms. Anne-Marie Lizin, the first meeting of the workshop was devoted to a general discussion focusing on three major topics: sociological and political aspects, causes, types and situations of poverty; the title of a possible draft declaration; and the main orientations of a possible declaration.

A. Sociological and political aspects, causes, types and situations of poverty

8. Several experts underlined the current proliferation of definitions of poverty. Such diversity of terms illustrated the complex nature of the phenomenon of poverty.

9. Considering the content of the subject matter, the emergence of extreme poverty was examined from various angles taking into account both the domestic and international dimensions of the problem and the economic, political and social factors contributing to it.

10. The debate which had taken place at the World Summit for Social Development in Copenhagen revealed that poverty was the origin of inequality both inside countries as well as among the States members of the international community. Regret was expressed at the absence of a formally established mechanism to monitor the follow-up to States' commitments made at the Social Summit.

11. The independent expert recalled the recommendations formulated in her report (E/CN.4/1999/48), commenting that the phenomenon of extreme poverty was universal; it affected all regions of the world, including the North.

12. The Chairman of the Commission on Population and Development considered that the problem of poverty was mainly a structural one. It had an important international dimension. At the country level, poverty was generally due to the lack of social policy, the lack of employment policy and the unavailability of social safety nets.

13. All participants emphasized the need to identify and address in a possible declaration the profound causes of extreme poverty. As stated by the representative of a non-governmental organization, human rights violations constituted both a cause and a consequence of poverty.

14. In that connection, reference was made to the vast literature currently available on the sociological and demographic factors relating to poverty as well as to the studies and research

conducted by the United Nations and the specialized agencies, in particular the United Nations Children's Programme (UNICEF), the United Nations Development Programme (UNDP) and the functional commissions of the Economic and Social Council.

15. Lack of access to education, in particular primary education, was mentioned as one of the root causes of extreme poverty. The right to education was an important tool for enabling marginalized people to break the cycle of poverty through effective participation in decision-making and eventually political processes. Human rights education was also important for raising awareness about the entitlement to and exercise of human rights, and for promoting tolerance and peace.

16. The representative of an NGO highlighted the link between poverty, health and the vulnerability of persons with disability. Some valuable statistics from the World Health Organization (WHO) were available on the issues of ageing, health and poverty. She underlined the adverse consequences of mental and physical degradation as well as environmental degradation on health, in particular for poor people.

17. Demographic challenges and their implications for the standard of living of the population were also emphasized with special reference to the steady growth of the world's population and the increase in the age of the population. The latter raised serious concerns with regard to social security systems. Without appropriate measures, that vulnerable segment of society could be further threatened by extreme poverty.

18. The huge gap between the rich and the poor could easily be explained in terms of unequal access to natural resources, human resources, industry and advanced technology. Globalization and economic growth alone could not be expected to provide sufficient solutions to alleviate poverty.

19. Several experts regretted the decline in Official Development Assistance (ODA) and the unrealistic measures imposed by the international financial institutions which hindered national efforts to combat poverty because of their inadaptability to local conditions. One expert deplored the exploitation of poverty at the national and international levels.

20. Other major causes of poverty included social unrest, civil wars, international conflicts, terrorism and natural disasters. Therefore, there was a need to promote peacekeeping and peace-building all over the world, in particular in the context of the forthcoming International Year for the Culture of Peace. States should also be encouraged to reduce expenditures on military activities.

21. Concerns were also expressed about the antisocial practices of some transnational corporations, the impact of corruption on the enjoyment of human rights, the question of impunity for the perpetrators of human rights violations and the inadequate or insufficient coverage by the media of poverty-related concerns.

B. Title of the draft declaration: three proposals

22. Insofar as the title of a draft declaration was concerned, several experts questioned the relevance of adding the adjective "extreme" to the term "poverty". The following three proposals were submitted by the participants:

(a) "Extreme Poverty and the Exercise of Human Rights". Experts in favour of maintaining the term "extreme" called attention to the content of the mandate of the independent expert on human rights and extreme poverty and the wording of Commission on Human Rights resolution 1999/26;

(b) "Poverty and Human Rights". Referring to the concept of poverty, an expert advised against making a distinction between categories of the poor, stressing that gradations of poverty constituted a discriminatory practice which might lead to the marginalization of the poorest within the poor community;

(c) "Human Rights and Poverty, in particular Extreme Poverty". Another expert denounced the increasing use of adjectives to refer to concepts, such as "humanitarian", for intervention, "sustainable" for development or "extreme" for poverty. The use of the adjective "extreme" gave a different dimension to the concept of poverty and reduced the field of action to overcome the problem. While respecting the decision of the Commission, the workshop should be mindful of the conditions and objectives for the realization of a democratic society. Without dropping the idea of an analysis of the phenomenon of extreme poverty, a declaration should address the question of poverty in general.

C. Main orientations of a draft declaration

23. In the fight against poverty, a declaration should, first of all, be considered as an instrument for the poorest - those without land, shelter or employment - to enjoy all human rights. A declaration should take into account the efforts and initiatives undertaken by individual persons and groups living in extreme poverty. In that connection, special reference was made to the conclusions and recommendations of the seminar on Extreme Poverty and the Denial of Human Rights, held in New York in December 1994. Victims of poverty participating in the seminar shared their experience in everyday life, highlighting the vital role of NGOs and community-based organizations (CBOs) in bringing about their participation in decision-making concerning the struggle against poverty.

24. Issues addressed with regard to the linkages between poverty and various vulnerable groups, including indigenous peoples, minorities, migrant workers and persons affected by AIDS, included social exclusion and marginalization, the exploitation of natural resources, transnational corporations and the impact of their activities on the enjoyment of the rights of communities concerned by such activities, as well as the overall policies of host Governments.

25. While underlining the interdependence and indivisibility of human rights, there was a consensus among the experts to consider extreme poverty as a denial of all human rights: civil, cultural, economic, political and social, as well as the right to development.

26. Second, a declaration should reaffirm States' obligations and the responsibility of other actors in the elimination of poverty. In this regard, international cooperation should be not only cooperation freely consented to, but also quality cooperation.

27. Action to alleviate poverty should be simultaneously conceived and harmonized at the local, national and regional levels.

28. The increasingly active role of non-State actors, such as civil society and the private sector, provided a new framework for combating poverty. In many instances they could better assess the real problems related to poverty and the needs of the people concerned.

29. With respect to poverty and international finance and trade, due consideration should be given to important initiatives such as the Comprehensive Development Framework of the World Bank.

30. Every effort should be made to invigorate the media's contribution in terms of information, human rights awareness, education and advocacy regarding poverty and those confronted with it.

II. OBJECTIVES AND USEFULNESS OF A DECLARATION ON HUMAN RIGHTS AND EXTREME POVERTY

31. The usefulness of a declaration was unanimously confirmed by the participants. The alternative proposal made by some States members of the Commission on Human Rights - and referred to by the independent expert - to elaborate a "guide of good practices" on poverty for social workers was considered an approach that would allow States to avoid complying with their obligations.

32. The objective of a declaration, according to one expert, was to define the problem of poverty/extreme poverty in its various dimensions. It should highlight the causes of the phenomenon and the plight of the extremely poor in concrete terms. It also would be a tool for assessing the progress made in the realization of paragraph 2 of the Universal Declaration of Human Rights (on the principle of non-discrimination), the Declaration on Social Progress and Development and the Declaration on the Right to Development. The expert insisted on the identification of the causes of poverty in a possible declaration.

33. Other experts suggested that the drafting of such a declaration should be different from the classical framework of previous declarations. There was a need to address the poor themselves and their entitlement to all human rights without discrimination or exception. Reference was also made to the need to identify those responsible for human rights violations.

34. A declaration on human rights and extreme poverty was considered as a tool to give greater visibility to the issue of extreme poverty from a human rights perspective. Its usefulness could be perceived at the national and the international levels: the definition of the causes of poverty would contribute to resolving the problem of allocation of resources. Alleviating poverty would no longer be a matter of charity.

35. The representative of UNICEF pointed to the loopholes in international law and the inadequate or insufficient implementation of the existing standards. In this regard, special attention should be paid to the existing normative framework developed within the United Nations system, in particular the international human rights instruments. In addition, the plans of action developed in the framework of the various United Nations conferences over the past decade, particularly the World Summit for Social Development, clearly identified the measures required to address many of the issues relating to poverty.

36. One expert was of the view that should a decision be taken to go ahead with the elaboration of a declaration, the Commission for Social Development would be the United Nations body best suited for such an endeavour. The representative of an NGO proposed that a declaration be developed jointly by the Commission for Social Development and the Sub-Commission on the Promotion and Protection of Human Rights. However, the workshop considered that the drafting mandate, which would focus on the rights-based approach, should be entrusted to the Sub-Commission as an expert body, while pursuing the usual broad consultative procedure involving the relevant functional commissions of the Economic and Social Council, the specialized agencies and all parties concerned.

III. ELEMENTS FOR INCLUSION IN A DRAFT DECLARATION

37. The following elements for inclusion in a draft declaration were proposed by the participants in the workshop.

38. The linkage between the general phenomenon of poverty and the specific phenomenon of extreme poverty. Another link was to be established between the eradication of extreme poverty and the fulfilment of the right to development as an individual and a collective right.

39. The struggle against poverty required an in-depth understanding of the causes and the effects of poverty on human rights. Some effects were more serious than others. Issues for consideration in this respect included the lack of political will and the transfer of resources, since the world did have the necessary resources to eradicate poverty, as confirmed by the Administrative Committee on Coordination; the social and human costs of structural adjustment programmes and the negative aspects of globalization and disarmament.

40. Multilateral cooperation was vital. In this connection, both the 0.7 per cent of gross national product for development aid and the 20/20 initiatives should be reactivated and respected. New policies should be adopted to address the problem of external debt and its servicing affecting State sovereignty.

41. The principles and objectives of the Declaration on Social Progress and Development should be taken into consideration in the light of the internationally recognized obligations of all parties concerned at the national and international levels.

42. The declaration's provisions should be forceful and binding. It should be reaffirmed that States have the primary responsibility for eradicating poverty, in particular extreme poverty.

43. The responsibilities of non-State actors in the economic and social sectors, in particular transnational corporations, should be spelled out.

44. Transnational corporations should contribute to programmes of social development for the surrounding communities, including those of indigenous peoples, and ensure the employment of local labour.

45. Methods to enhance the role of local authorities in combating the scourge of extreme poverty should be specified.

46. Good governance and transparency, good management of the State and financial and social policies should include: developing strategies for meeting the basic needs of the community, such as access to credit, in particular for women workers in the informal sector; popular participation in decisions concerning the community; equal opportunities in the competitive market economy and accountability in regard to the use of multilateral and bilateral financial aid.

47. The declaration should emphasize the key role of primary education in fighting illiteracy, with a gender perspective. States should develop clear criteria, for example by introducing a quota system with special attention being given to the girl child and to increasing women's chances in the fields of education and training.

48. The declaration should establish a mechanism to ensure the participation of the poor themselves in the process of elaborating, monitoring and evaluating action-oriented policies at the local level, through the development of community cooperative institutions, and at the national and global levels.

49. The declaration should revitalize the impetus for solidarity to strengthen the notion of family and reverse the potential threat of social exclusion.

50. At the international level, the declaration should address the issue of definition of the content and enforceability of economic, social and cultural rights.

51. Technical and financial assistance mechanisms such as microcredits should be greatly encouraged as they support the poor's efforts for survival while preserving their dignity.

52. Corruption should be condemned and corruptors face international justice if they escape national jurisdiction.

IV. CONCLUSIONS AND RECOMMENDATIONS

53. All the participants at the workshop were unequivocally in favour of a declaration.

54. The independent expert on human rights and extreme poverty would submit the report of the workshop to the fifty-sixth session of the Commission on Human Rights, which would decide on follow-up action by the Sub-Commission on the Promotion and Protection of Human Rights. The report would be annexed to the final report of the independent expert.

55. Should the Commission decide on follow-up action, it might also wish to examine the workshop's proposal to convene a second consultation on the same topic, to last more than two days, with the participation of interested Governments, the functional commissions of the Economic and Social Council, the specialized agencies and NGOs.

56. The Commission for Social Development and other functional commissions should be invited to express their views on the subject matter and to participate actively in the elaboration of a draft declaration.

57. The Committee on Economic, Social and Cultural Rights and other interested human rights treaty bodies should be invited to participate in a possible future consultation on a draft declaration.

58. Due consideration should be given to the global framework of the initiatives on poverty eradication of the Economic and Social Council.

59. The elaboration of a declaration should also be considered within the framework of the United Nations Decade for the Eradication of Poverty (1997-2006), taking into account the above-mentioned recommendations and the relevant strategies and programmes of action at the local, national, regional and international levels.

Annex

LIST OF PARTICIPANTS

Chairman-Rapporteur: José Bengoa

I. EXPERTS

Anne-Marie Lizin, independent expert of the Commission on Human Rights on human rights and extreme poverty

Experts of the Sub-Commission on the Promotion and Protection of Human Rights

Miguel Alfonso-Martinez

José Bengoa

Marc Bossuyt

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Fan Guoxiang

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Teimuraz O. Ramishvili

Yeung Kam Yeung Sik Yuen

Soli Jehangir Sorabjee

Halima Embarek Warzazi

Fisseha Yimer

II FUNCTIONAL COMMISSIONS OF THE ECONOMIC AND SOCIAL COUNCIL

Robert Cliquet, Chairman, Commission on Population and Development

III UNITED NATIONS BODIES

United Nations Children's Fund, United Nations Development Programme, United Nations Non-Governmental Liaison Service

IV NON-GOVERNMENTAL ORGANIZATIONS

African Commission of Health and Human Rights Promoters, Association of World Citizens, ATD - Fourth World, Caritas Internationalis, International Organization for the Development of Education, Pax Romana, Rehab Group

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